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Sixty-sixth year

Provisional

6557th meeting

Friday, 17 June 2011, 3 p.m.

New York

President:	Mr. Messone	(Gabon)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Ms. Dunlop
	China	Mr. Yang Tao
	Colombia	Mr. Osorio
	France	Mr. Araud
	Germany	Mr. Wittig
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mr. Dunn

Agenda

Threats to international peace and security caused by terrorist acts

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The meeting was called to order at 3.20 p.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President (*spoke in French*): The Security Council will now begin its consideration of the item in its agenda.

Members of the Council have before them documents S/2011/368 and S/2011/369, which contain the texts of two draft resolutions.

It is my understanding that the Council is ready to proceed to the vote on the draft resolutions before it.

I shall first put to the vote the draft resolution contained in document S/2011/368 and co-sponsored by France, Germany, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

A vote was taken by show of hands.

In favour:

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1988 (2011).

I shall now put to the vote the second draft resolution, contained in document S/2011/369 and co-sponsored by France, Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

A vote was taken by show of hands.

In favour:

Bosnia and Herzegovina, Brazil, China, Colombia, France, Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

The President (*spoke in French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1989 (2011).

I shall now give the floor to members of the Council who wish to make a statement after the vote.

Mr. Dunn (United States of America): The United States welcomes and strongly supports today's Council action to implement significant reforms to the regime under the Security Council Committee established pursuant to resolution 1267 (1999) and to create a new sanctions regime targeting violent extremists in Afghanistan. With these reforms, the Council acknowledges that the nature of these threats has evolved and that events on the ground in Afghanistan have changed. The Council has also taken major steps to strengthen fairness and transparency in its listing and delisting procedures, including to expand the mandate and enhance the authority of the 1267 Ombudsperson.

The actions that the Council took today, with Afghan Government support, are designed to support and promote Afghan-led reconciliation while targeting those associated with the Taliban and constituting a threat to the peace, stability and security of Afghanistan. They will also allow the 1267 Committee to better tailor its efforts to the unique global threat posed by Al-Qaida and its affiliates.

We wish to acknowledge the role of the 1267 Monitoring Team in outlining the evolving nature of the threat and recommending ways for us to modernize the 1267 sanctions. This sanctions regime is one of the most important multilatera' counter-terrorism tools that the international community has at its disposal. We hope today's actions will ensure that these measures continue to enjoy the full support of the international community and are fully implemented by all Member States.

Mr. Wittig (Germany): Germany welcomes today's Security Council decision to split the current 1267 and Al-Qaida/Taliban regime and to establish a country-specific regime for Afghanistan.

Under the new regime, the Government of Afghanistan has a distinct and visible role to play in the listing and delisting process. With a new mechanism for consultation and coordination prior to either listing or delisting, the Council sends a strong signal of trust and support regarding the peace and

reconciliation efforts of the Government of Afghanistan. In linking the delisting process to the internationally endorsed criteria for reconciliation, the Security Council is now well positioned to constructively support political dialogue in Afghanistan. This resolution is a major step forward, especially in the run-up to the Afghanistan conference that my country will be hosting in Bonn in December this year.

The new mandate for the Al-Qaida regime provides a solid basis for countering the global threat of Al-Qaida and affiliated networks to peace and international security. Germany reiterates that the effectiveness of the counter-terrorism tool depends primarily on the implementation of the measures by Member States, and Member States will accept this task only if they have trust in the fair and clear procedures within the sanctions regime.

The Security Council has come a long way, with the triennial review introduced in resolution 1822 (2008). But even more, with the establishment of the Office of the Ombudsperson, the Council has continuously taken important steps to enhance fair and clear procedures. Today the Council decided to underscore once more its commitment to this principle through further enhancing the role of the Ombudsperson. As of today, the Ombudsperson is requested to provide not only observations, but also recommendations on the delisting of petitioners, thereby substantially strengthening her role within the framework of fair and clear procedures. From now on, the Committee needs consensus for keeping individuals on the list if the Ombudsperson has recommended otherwise. Germany welcomes that as a major achievement.

Mr. Hardeep Singh Puri (India): Terrorism is one of the most serious threats to international peace and security. International cooperation and concerted action against terrorists and their sponsors, including the complete dismantling of terrorist safe havens, sanctuaries, training grounds and financial and ideological support structures, are the critical imperatives to defeat this scourge.

India has confronted terrorism for over three decades and continues to face the challenge of the rising forces of extremism and radicalism in our immediate neighbourhood and beyond. We have the strongest possible and unequivocal commitment to combating terrorism. We are fully supportive of all efforts, bilateral as well as multilateral, that strengthen the international community's resolve in countering terrorism.

The syndicate of terrorism, with intricate interconnections comprising Al-Qaida, elements of the Taliban, Lashkar e Toiba and other terrorist groups that operate from within and outside Afghan borders, are among the biggest threats from terrorism worldwide. These bonds have strengthened over the years.

We have joined the consensus in favour of the resolution adopted today to convey an unequivocal and resolute message from the Council of its steadfast determination in countering terrorism. India fully supports an Afghan-led, inclusive and transparent process of reconciliation, adhering to the red lines as enunciated by the Afghan Government and in the London and Kabul communiqués.

We respect the right of the Afghan people to decide their own destiny. The capacity of the Afghan Government and people to fight and overcome terrorism must be strengthened. We also support the views and decisions of the Government and people of Afghanistan as they seek to build a more secure, stable and prosperous future and a strong democracy in their country.

We earnestly hope that the new sanctions regime on Afghanistan will continue towards meeting these goals of political stability and economic reconstruction in a credible, inclusive and transparent manner. It is our expectation that this will enable the Afghan Government to have a greater say in confronting the challenges emanating from those constituting a threat to the peace, security and stability of Afghanistan.

It is critical that all sanctions regimes established by the Security Council be fair and transparent in their functioning. They must ensure due process in their working procedures and decision-making. The enhancement of the powers of the Ombudsperson and reforms in de-listing procedures are important steps in that direction. We must ensure that these function in a manner that strengthens our counter-terrorism capacities and that they do not have implications for the functioning of other sanctions regimes.

We have repeatedly expressed our concern in the Council that the functioning of the Committee established pursuant to resolution 1267 (1999) has

been subject to political pulls and pressures. This is a scenario that we can ill afford in our fight against terrorism.

Given the enormity and seriousness of the threat of terrorism, the international community should ensure that it does not in any way dilute or weaken the global legal regime to combat it. There is in fact a continuing urgency to strengthen it and make it more comprehensive and effective.

The process of listing as well as de-listing needs to be guided by the same set of principles: fairness, credibility and transparency. Only then would it be ensured that the sanctions lists are really effective. We hope that, as we move forward, we keep this critical requirement uppermost in our minds.

The work of the monitoring team has documented the fact that there are linkages between Al-Qaida and the Taliban. This is a serious matter and needs to be handled with the utmost vigilance. Taliban groups connected with Al-Qaida pose a continuous threat to peace and security in our region.

Before I conclude, I should like to join another of my colleagues who earlier, in preparing for this afternoon's meeting, referred to the haste in which we have had to move and to difficulties in translation. Just before I took the floor, my attention was drawn to what could be only a small typographical issue but that will nevertheless need to be corrected. I find a difference between the final text that was agreed to when the negotiations ended and what was put in blue. I refer here to the language in the nineteenth preambular paragraph of document S/2011/368, which refers to entities that meet the criteria for listing set forth in the draft resolution. In the blue version, the references to paragraphs 4 and 3 have been reversed. I believe that this can be fixed in a correction. I have been assured that this is not a reopening; it is just something that was done in a hurry. I just wanted to state that for the record.

In conclusion, let me reiterate India's steadfast commitment to international cooperation in the fight against terrorism. To that end, it will be our endeavour to work for the effective implementation of these two regimes and their enhanced efficacy.

The President (*spoke in French*): The Secretariat has taken note of the observations made by the representative of India.

Mr. Churkin (Russian Federation) (*spoke in Russian*): In voting today to adopt these two resolutions, we are stating once again that the international community must not slacken its efforts to fight both Al-Qaida and the Taliban.

In supporting the policy of national reconciliation in Afghanistan, we are guided by the clear adherence of the Government and other parties to the conditions of the sanctions regime. It is necessary to adhere to the principle of the individual approach in the process of de-listing. Efforts must be made to accelerate the process of listing and de-listing.

Concerning the efforts of the Security Council to ensure greater transparency in the context of the sanctions against Al-Qaida, we are convinced that these must be carried out keeping in mind the real nature of the serious and continuing threat posed by Al-Qaida, in a spirit of seriousness and with continued vigilance against that threat.

We are satisfied at the fact that the resolutions contain provisions that maintain the control of the Council over the process of de-listing with respect to those members of Al-Qaida that have had a change of heart.

Mr. Araud (France) (*spoke in French*): I should like to thank the United States delegation for its efforts, which have allowed us today to adopt two important resolutions that my country was pleased to co-sponsor.

With the ambitious reform of the sanctions regime established by resolution 1267 (1999), I think that we have achieved our objective: to improve the effectiveness of the United Nations sanctions regime as a tool for fighting terrorism and strengthening its legitimacy. The establishment of two separate sanctions regimes makes it possible to adapt our tools to a threat that has been constantly changing for 10 years and that will continue to evolve after the death of Osama Bin Laden.

The links between Al-Qaida and the Taliban have not disappeared, but they are not the same as in 1999. We must draw lessons from this. In encouraging the Taliban to join the inter-Afghan reconciliation process, the new sanctions regime will contribute to the efforts that the Afghan Government, with the support of the international community, is making in order to reach a political solution to the conflict in Afghanistan.

The improvements made to and the guarantees included in the sanctions regime against Al-Qaida allow us to respond to the criticisms that have been made, including by judicial authorities in Europe and elsewhere. The strengthening of the powers of the Mediator, greater transparency and flexibility in deciding on possible de-listings create conditions for a procedure that more equitable. Our determination to fight terrorism remains intact. With these two regimes, we have a tool that is commensurate with our ambitions and that is adapted to the current state of the terrorist threat.

Mr. Moraes Cabral (Portugal): The adoption of resolutions 1988 (2011) and 1989 (2011) represents another important step in the Council's firm stance to counter terrorism. We consider that the separation of the two regimes will facilitate the advance of a comprehensive political process in Afghanistan in support of national reconciliation among all citizens who have rejected terrorism and who hope for a peaceful political resolution of the continuing conflict, which will enable them to build a stable and democratic State.

We also believe that the decisions taken today will advance both regimes and allow for a more efficient management of the existing mechanisms while improving the legal framework that supports action taken by the international community in this context.

We particularly highlight the improvements made in the review by the Committee of the situation of listed individuals, the further efforts stressing the preventive nature of the restrictive measures imposed, and a strengthening of the role of the Ombudsperson in the whole system of guarantees that are granted to individuals requesting de-listing.

We welcome the important and serious work undertaken by the Ombudsperson, Ms. Kimberly Prost, which was essential for the Council to be able to move forward in adopting these resolutions. They represent a decisive improvement in a mechanism that was conceived to address the need for fairer and clearer procedures when applying sanctions to individuals. The more streamlined decision-making process aiming at overcoming recurrent deadlocks resulting from the consensus role, the recognition of the need to strengthen the capacity of the Ombudsperson, the access to relevant information and the process of consideration of its recommendations are all important improvements in the regime. The Ombudsperson is now in a better position to play a crucial role in assisting individuals in the process of reviewing their cases.

While welcoming these positive developments, we should have expected the Council to go further with respect to some specific issues, in particular regarding the time limits or the so-called sunset clause. Moreover, in our view, the Ombudsperson should also be called on to play an active role in the context of the resolution on Afghanistan when referring to individuals and entities seeking de-listing, and we hope that the Council will have the opportunity to revisit this important issue in the near future.

Portugal will naturally work actively in the Committees for the full implementation of these resolutions, with the aim of ensuring their swift implementation, not losing sight of their important objectives for peace, stability and security in Afghanistan and the fight against terrorism, but also keeping in mind the need to ensure fairer and clearer procedures that increase credibility and facilitate enforcement and the overall efficacy of the sanctions regimes.

Sir Mark Lyall Grant (United Kingdom): I would like to thank the United States Permanent Mission for its hard work in steering the successful adoption today of resolutions 1988 (2011) and 1989 (2011). I also commend the efforts of all Security Council members over the last few weeks.

Today the Council has taken an important step in strengthening one of its key tools in the fight against terrorism. We have adopted a new sanctions regime targeting the insurgency in Afghanistan and a second targeting the terrorism threat posed by Al-Qaida. In effect, we have split the old 1267 Al-Qaida and Taliban sanctions regime into two.

Creating a new and separate regime for Afghanistan is an important step. It sends a clear signal that now is the time for the Taliban to come forward and join the political process. It also allows for more specific procedures tailored to the situation we face today in Afghanistan. The resolution introduces broader listing criteria and a greater role for the Afghan Government in consultation on listing and de-listing decisions. It also explicitly links de-listing individuals with the Kabul communiqué's reconciliation conditions

of renouncing violence, cutting ties with Al-Qaida and accepting the framework of the Afghan Constitution. We are pleased that the Government of Afghanistan supports this initiative and welcome its continued engagement in the implementation of sanctions that counter the insurgency.

Let me now turn to the Al-Qaida resolution. Here we have enhanced procedures to ensure that they continue to be clear, fair and effective. We have renewed and strengthened the role of the Ombudsperson and we have improved de-listing procedures by introducing two so-called sunset clauses.

In particular, we have agreed in today's resolution to strengthen the capacity of the Office of the Ombudsperson, which demonstrates the Council's unanimous support for this important role. We have agreed that Member States should provide all relevant information to assist the Ombudsperson in carrying out reviews of de-listing requests, including, where appropriate, classified information. We have also introduced stronger language, urging designating States to allow the Ombudsperson to reveal their identity to petitioners.

In addition, the Ombudsperson will now be able to make recommendations to the sanctions Committee on whether individuals and entities should be de-listed. A recommendation to de-list an individual or entity will trigger a sunset clause, which will make it more straightforward to de-list individuals and entities which no longer constitute a threat, while ensuring that those who do continue to pose a threat remain listed. We have also agreed on an additional sunset clause, triggered by a de-listing request from a designating State. Finally, we have further improved de-listing procedures by clarifying the need for Member States to provide reasons when proposing or opposing de-listing requests.

The combined changes to both resolutions adopted today constitute a significant step forward in ensuring that sanctions respond to current terrorist threats, adapt to the new situation in Afghanistan and continue to ensure fair, clear and effective procedures.

The President (*spoke in French*): The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 3.50 p.m.